

# TIN FULTON WALKER & OWEN

December 12, 2022

Honorable Terrence W. Boyle  
United States District Court  
Eastern District of North Carolina  
**VIA ECF**

Re: *Yolanda Irving, et al. v. City of Raleigh, et al.*, 22-CV-68-BO, Notice of Non-Party  
Objection

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Noell P. Tin

° Shirley L. Fulton

\*Nancy E. Walker

C. Melissa Owen

John W. Gresham

William G. Simpson, Jr.

S. Luke Largess

Sam McGee

Matthew G. Pruden

Courtney H. Smith

Lauren O. Newton

Emily D. Gladden

Abraham Rubert-Schewel

Nichad D. Davis

Judge Boyle,

On December 8, 2022, your Honor signed a Consent Protective Order related to “expunged” records of non-parties. ECF No. 146. The order stated that counsel had received no response from the non-parties related to use of their expunged records. That statement was incorrect. One non-party, Marcus Van Irvin, did object to use of his records to undersigned counsel. Mr. Van Irvin stated that he would also be filing a written objection with the Court.

Undersigned counsel was traveling internationally at the time the proposed order was filed and did not convey this information to co-counsel, Ms. Simpson, who filed the motion and order. We apologize to the Court for this oversight. Importantly, North Carolina General Statutes Section 15A-146, (a)(5) permit an “arresting agency [to] maintain investigative records related to a charge that has been expunged pursuant to this section.” The City of Raleigh has preserved these records. Mr. Van Irvin’s objection should not bar their disclosure.

Respectfully,

\*Of Counsel

/s/ Abraham Rubert-Schewel

° Retired

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